NOTIFICATION.

No. L.D. 1077—Legis. 4-50-25, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. T-2/117/50, dated 19th June 1950 of the Ministry of Communications amending the "Rules for the licensing of wireless receiving apparatus, 1940", published in the *Gazette of India*, Part I—Section 1, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 19th June 1950.

No.T-2/117/50.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that with effect from the 1st August 1950, the following further amendments shall be made in the "Rules for the licensing of wireless receiving apparatus, 1940", namely :—

In the said Rules—

(1) For rule 5, the following rule shall be substituted, namely :—

"5. Save as provided in rule 14, an original license and a renewed license shall be valid upto the 31st December of the year of issue or renewal."

(2) In rule 14, after the words "after the expiry of his license", the words "and 14 days of grace thereafter" shall be inserted.

A. V. PAI, *Secy.*

NOTIFICATION.

No. L.D. 1078—Legis. 4-50-26, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. T-2/117/50, dated 19th June 1950 of the Ministry of Communications amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in

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the *Gazette of India*, Part I—Section 1, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 19th June 1950.

No. T-2/117/50.—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government is pleased to direct that, with effect from the 1st August 1950, the following further amendments shall be made in the Indian Wireless Telegraphy (Possession) Rule, 1933, namely :—

I. In the said Rules—

(1) For rules 6 and 7, the following rules shall be substituted, namely :—

"6. Save as provided in rule 18, an original license and a renewed license shall be valid upto 31st December of the year of issue or renewal, as the case may be.

7. A fee of fifteen rupees per year shall be payable for every license issued under these rules :

Provided that where a license is issued or renewed during the middle of a calendar year, a *pro rata* fee on a monthly basis shall be payable, the month of issue or renewal of the license being treated as a full month :

Provided further that the *pro rata* fee on monthly basis shall be rounded off to the next higher multiple of four annas."

(2) In rule 18, after the words, "after the expiry of his license", the words, "and 14 days of grace thereafter", shall be inserted.

II. In the forms annexed to the said Rules—

(1) In Form II, for the words, figures and letters ".....for a period of twelve months ending the last day of the month of.....193 . The payment of the license fee of Rs. 10 is hereby acknowledged", the following shall be substituted, namely :—

"for the period from 1st..... to 31st December 19..... inclusive. The payment of license fee of Rs. .....is hereby acknowledged."

(2) In Form III, for the words, figures and letters, "for a period of twelve months ending on the last day of the month of.....193..... The payment of the license fee of Rs. 10 is hereby acknowledged", the following shall be substituted, namely :—

"for the period from 1st..... to 31st December 19..... inclusive. The payment of license fee of Rs. ..... is hereby acknowledged."

A. V. PAI, *Secy.*

NOTIFICATION.

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No. L.D. 1079—Legis. 4-50-27, dated Bangalore, 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 177, dated 20th June 1950, of the Ministry of Industry and Supply publishing the Patents and Designs (Extension of Time) Rules, 1950 published in the *Gazette of India*, Part II-Section 3 dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 20th June 1950.

S.R.O. 177.—In exercise of the powers conferred by section 4 of the Patents and Designs (Extension of Time) Act, 1950 (II of 1950), the Central Government is pleased to make the following rules :—

THE PATENTS AND DESIGNS (EXTENSION OF TIME) RULES, 1950.

1. *Short title and commencement.*——(1) These rules may be called the Patents and Designs (Extension of Time) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Patents and Designs (Extension of Time) Act, 1950 (II of 1950) ;

(*b*) "principal Act" means the Indian Patents and Designs Act, 1911 (II of 1911) ;

(*c*) "Controller" has the meaning assigned to it in the principal Act.

3. *Form of application.*—(1) An application from a displaced person for an extension of time under the Act, shall, so far as may be, be made in the form appended to these rules.

(2) Every such application shall be supported by an affidavit stating the grounds on which the application is made.

4. *Order on application.*—(1) Where the Controller, on perusal of the application and the affidavit, is satisfied that a case for extension of time is made out, he may grant the application.

(2) Where, in the opinion of the Controller, the application and the affidavit do not disclose a case for extension of time, he may, after giving the applicant an opportunity of being heard in the matter, pass a final order on the application, granting or rejecting it.

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(3) An order granting an application for extension of time under this rule shall be made subject to the conditions hereinafter specified.

5. *Conditions subject to which an order may be made.*—(1) Every order for extension of time for the payment of renewal fees on a patent shall be made subject to the following conditions :—

(*a*) that the applicant shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of—

(i) the making, selling or using of the invention, or

(ii) the selling or using, at any time, any article made,

in infringement of the patent between the date of the lapsing of the patent and the date of the order granting the extension of time.

(*b*) that if any person within one year of the date of the said order makes an application to the Controller for compensation in respect of any money, time or labour expended by him in relation to the subject matter of the patent in the *bona fide* belief that such patent had become, and continued to be, void, it shall be lawful for the Controller, after hearing the parties concerned :—

(i) to assess the amount of such compensation and to specify the party by whom and the time within which such compensation shall be paid.

(ii) to direct that if default is made in payment of such compensation, then the said patent shall become void but the compensation awarded shall not, in that case, be recoverable.

(2) Every order for extension of time for the sealing of a patent shall contain conditions similar to those specified in sub-rule (1) for the protection of any person who has availed himself of the invention which is the subject matter of the patent, between, the date when the time allowed by or under section 10 of the principal Act for making an application for sealing of the patent expired and the date of the order granting the extension of time.

(3) Every order granting an extension of time for the filing of an application for the extension of the period of a copyright in a design shall be made subject to the condition that the registered proprietor of the design shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of—

(*a*) the application of the design to any article in any class of goods in which the design is registered, for the purpose of sale, or

(*b*) the importation for the purpose of sale of any article belonging to the class in which the design is registered and the application thereto of the design or any obvious imitation thereof, or

(*c*) the publishing or exposing or causing to be published or exposed for sale any article in any class of goods in which the design is registered and the application thereto of the design or any obvious imitation thereof,

in piracy of the registered design between the date of the expiry of the period of the copyright in the design and the date of the order granting the extension of time.

(4) Every order granting an extension of time in respect of an application for a patent or design which has not been accepted shall be made subject to the following conditions :—

(*a*) conditions similar to those specified in sub-rule (2) for the protection of persons who had applied for or obtained a patent or a copy-right in respect of an identical invention or design between the date on which the original application or proceeding by the displaced person should have been completed and the date of the order granting the extension of time.

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(*b*) that a patent or a copyright when granted on the application for a patent or design, as the case may be, shall not in any way prejudicially affect the right of any person who might between the date on which the original application or proceeding should have been completed by the displaced person and the date of the order granting the extension of time, have applied for or obtained a patent or copyright for an identical invention or design.

FORM OF APPLICATION FOR EXTENSION OF TIME

(*See rule* 3)

I (or we)[1]

hereby apply for extension of time :—

[2] (*a*) For leaving a complete specification in respect of application No. of ;
(*b*) For the acceptance of the application for a Patent No. of ;
(*c*) For the sealing of a patent on application No. of ;
(*d*) For the registration of a design No. applied for on ;
(*e*) For payment of renewal fee on the patent No. of ;
(*f*) For the filing of a petition for the extension of term of a patent under Section 15 of the Indian Patents and Designs Act, 1911.
(*g*) For filing application for extension of copyright in design No. of for a 2nd/3rd period of 5 years.

The grounds on which this application is made are stated in the enclosed affidavit*.

My (or our) address for service in India is :—

.....

.....

Dated this day of 19 .

To

The Controller of Patents and Designs,
The Patent Office, Calcutta.

[No. 223 (15)-I-6/50]

PREM CHAND, *Dy. Secy.*

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[1] Insert (in full) name, address and nationality.

[2] Strike out the words which are not applicable. Quote number and year of application or patent.

*The affidavit should contain a specific declaration together with the necessary particulars that the applicant is a "displaced person" within the meaning of Section 2 of the Patents and Designs (Extension of Time) Act, 1950 and the circumstances under which the applicant could not complete any proceeding under the Indian Patents and Designs Act, 1911 within the time limits prescribed therein.